

PATENT  
Attorney Docket No. 09138.0073

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Marc E. Key et al. ) Group Art Unit: 1797  
Application No.: 10/539,561 )  
Examiner: Jyoti Nagpaul  
Filed: June 16, 2005 )  
For: ENHANCED SCHEDULING ) Confirmation No.: 9270  
SAMPLE PROCESSING SYSTEM )  
AND METHODS OF BIOLOGICAL )  
SLIDE PROCESSING )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents on the attached listing. This Information Disclosure Statement is being filed before the mailing date of a first Office Action after the filing of a Request for Continued Examination in the above-referenced application.

Copies of the listed foreign and non-patent literature documents are enclosed.

Copies of the U.S. patent publications are not enclosed. A copy of the listed Office Action for application 10/538,964 are enclosed. References cited by the listed Office Action have previously been disclosed in papers filed on June 16, 2005 and as such are not listed.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the U.S. Patent and Trademark Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: September 13, 2010

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